

Space Mitigation Working Group Report

State of California ♦ Task Force on Court Facilities



October 18, 2000

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Space Mitigation Working Group

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Section I: Executive Summary

Section I: EXECUTIVE SUMMARY

The last thirty years or so have seen dramatic technological innovations that have brought improvements in both efficiencies and effectiveness in organizations and institutions. Because of the future demands projected on California's court system, we have both the opportunity and the obligation to utilize these innovations, as well as other revised practices, to enable us to do more with less.

Many innovations are being implemented in a wide variety of courts around the state and beyond. These include fuller use of electronic information systems for filing and tracking suits, dispensing information on court procedures and processes, storing or archiving information, conducting purchasing and human resources administrative obligations and, through video conferencing, holding arraignments and a wide variety of hearings or other appearances. Additionally, more efficient use of staff, through contracting out, or outsourcing, and more effective use of facilities, such as increasing the ratio of judges to courtrooms or varying the construction of courtrooms to more specific uses, offer a range of opportunities to achieve more out of our budgets and our facilities.

Our working group has considered those ideas which should bear the most fruit in mitigating the amount of space needed to perform our tasks better. We also considered, but did not include here, a number of concepts, ideas and technologies that would be worthwhile, but do not necessarily mitigate space in the courthouse and thus exceed the scope of our charge.

Duties of Working Group as Derived from the Lockyer-Isenberg Trial Court Funding Act (AB233):

The Lockyer-Isenberg Trial Court Funding Act of 1997 (AB233) as amended by AB1935, Section 77653.(f) requires that the Task Force "review and recommend operation changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities."

Goals and Objectives of the Working Group:

- Identify operational changes that may reduce current or mitigate future space requirements.
- Evaluate the cost impact of identified changes on court operations, facility operations, maintenance and capital requirements.
- Evaluate the impact on the delivery of services to the court's customers.
- Identify issues that support or impede implementation of identified changes, such as technology and political issues.
- Identify key or controversial issues for consideration by the Task Force.
- Assess probability of implementing identified changes.
- Develop implementation recommendations and strategies. Present recommendations and conclusions to the Task Force for consideration, both orally

and in a written report. The first draft of the written report is due to the Task Force on August 30, 2000, the final is due on October 17, 2000.

History of Working Group Activities. The working group convened on the following dates to deliberate and draft this Report:

April 7, 2000 in San Francisco

May 4, 2000 in San Francisco

June 16, 2000 in Dan Diego

July 27, 2000 in San Francisco

August 14, 2000 by teleconference

Summary of Recommendations and Options:

The working group considered and evaluated some thirty proposals or innovations which could mitigate space in existing or newly-built courthouses. These are briefly described in Section II: Matrix – Mitigation Measure Evaluation. Of these, our group selected fourteen proposals believed to be most productive. These fourteen are described in Section III and are briefly described below. (The numbering correlates to the items shown in Section II.):

I.A.1. Video Conferencing for Arraignments and Other Pre-Trial Proceedings

Using technology for pre-trial proceedings can reduce costs by decreasing travel time to the court, foot traffic in the court, holding facility requirements at the court and by reducing air pollution that accompanies vehicular travel to the courthouse.

I.B.1. Electronic Information Services – Lexis/Westlaw/Westmate

Electronic legal research can reduce the size of libraries within the courthouse while still providing access to required materials and data.

I.B.2. Electronic Information Services – Paperless Transactions

Electronic transmission of documents to and from the courthouse can decrease the amount of paper involved in proceedings, thus reducing foot traffic into the courthouse, the need for processing areas and storage space.

I.B.3. Electronic Information Services – Interactive Voice Response System

Speech recognition and interactive voice response systems provide information to callers via the telephone system. In addition to making information more readily available, this system reduces traffic in the courthouse.

I.B.4. Electronic Information Services – Records Storage & Court Reporters' Notes

The storage of records on electronic medium can significantly reduce the amount of storage space required within the courthouse and off-site.

I.C.2. Automation of Administrative Services – Purchasing

The acquisition and management of goods and services that relies on an electronic, rather than a paper-based, process can streamline the purchasing process, while reducing the need for storage space.

I.E. Misdemeanor Arraignments from Counsel Electronically

Electronically handling arraignments by fax transmission or the Internet reduces the need for clients to appear in court and consolidates processing time.

I.F. Consolidation of an Individual's Various Cases Into One Court

"Sweeping" or consolidating an individual's cases into one court provides case management benefits for courts, avoids duplication of appearances, can result in earlier dispositions and reduces vehicular and foot traffic into multiple courthouses.

II.A. Courtroom Utilization¹

Various methods of more fully utilizing the courtroom included increasing the ratio of judges to courtrooms and building a mix of specialty courtrooms and conference rooms, as opposed to mostly full, multi-service courtrooms.

II.B. Night Courts – Small Claims, Traffic, Selected Family, Pro Per, ADR, etc.

Using courtrooms in the evening as well as during the day can make more cost effective use of the space.

II.C. Regionalization of Court Facilities

Courts in different counties that are close in geographical proximity may benefit from sharing facilities.

III.B. Administrative Services – HR, Accounting, Storage, etc.

Locating office specialists who do not have a high level of public contact in lower profile office space outside the courtroom can release space within the courthouse for other needs.

IV.A. Out-Sourcing Administrative Services

Contracting with a service provider who does not occupy space within the courthouse can make space available for functions that must take place in the courthouse.

IV.C. Consolidation of Off-Site Records Management

Storage of paper records that are not frequently accessed in a site away from the courthouse can make space available within the courthouse. Record storage facilities may be consolidated to serve many courts within a region.

¹ The Task Force recommends that Topic II.A.1, Increased Ratio of Judges to Courtrooms, not be implemented since it is incompatible with direct calendaring, which some courts in the state have found to increase operational efficiency and to reduce case backlog.

Section II: Matrix - Mitigation Measure Evaluation

MATRIX - MITIGATION MEASURE EVALUATION

I. TECHNOLOGY-RELATED FACTORS OR IMPROVEMENTS

Mitigating Measure	Start-up Costs	Long-Term Cost Savings	Benefits in Mitigation of Space	Immediacy of Implementation	Universality of Application	Institutional/Practical Barriers to Implementation	Impact on Courts' Constituent Groups	Probability of Implementation
I.A.1. Video Conferencing for Arraignments and Other Pre-Trial Proceedings.	Low-Moderate	Significant Savings in space used & transportation of in-custodies.	Major Holding cells, parking, security & transportation of in-custody defendants reduced.	Now	Wide	Need space for attorney/client to discuss the case – confidential interface. Need to be sensitive to attorneys' time. Don't defer arraignments to the end of the calendar making attorneys wait. Should be designed to give "live feel". Clients can refuse video arraignment. Bandwidth is an obstacle to implementation.	Increases access, reducing hardship on people. May not have to wait over weekend to be arraigned. Reduces burden on jail system. Reduces escape opportunities. Feels like litigant is in a box – not part of system.	Relatively high
I.A.2. Video Conferencing for Pre-screening of Jurors	Low - Moderate	Minimal	Minor	Not Applicable	Narrow Mainly geographically large counties	Limited access.	Convenience. Use of buildings with no jury rooms. No face to face contact.	Low
I.A.3. Video Conferencing for Hearings. Pro Per or With Counsel Such As Law and Motion.	Low - Moderate	Moderate Depends on geography.	Moderate	Soon	Medium	None known. Currently allowed by phone for Law & Motion. Will enough lines be available? Telecommunications concerns due to emerging technology. Expensive for long distance over phone lines.	Judicial time savings; bringing judge to remote area by video. No judge present to control participants.	Moderate
I.B.1. Electronic Info Services - (Lexis/Westlaw/Westmate) Electronically provided in full & in lieu of physical legal research texts.	Low Need data outlets & phone line for attorneys' use.	Major	Major	Soon	Wide	Should move to electronic resources and minimize or eliminate law books with all possible dispatch.	Highly positive.	High
I.B.2. Electronic Info Services - Paperless Transactions a) Electronic Case & Pleadings Filing b) Fee Collections/Court Reporters' Fees/Costs Collection c) Traffic Fines Collection d) Electronic Case Management e) Case Specific Information on the Internet	Moderate - High	Major	Major	Now	Wide	Minor Charging fee to user to pay for system. System compatibility. Installation cost. Personal acceptance. Life expectancy of the media. May require maintenance files. Storage method/medium not resolved.	Helpful. Convenient.	High Now on brink of implementing.
I.B.3. Electronic Info Services - Interactive Voice Response System (IVR	Moderate	Major	Moderate	Soon	Wide	Vendors may hesitate to install in small counties. Standardize into state-wide system?	Conveniently provides case/court into – system readily available at all hours. Reduces need to access courthouse.	High

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I.B.4. Electronic Info Services - Records Storage & Court Reporters' Notes		High	Major	Major	Soon	Wide	Historians & archivists don't want to get rid of paper. Now is an optical disc rated for 100 yrs i/o usual 10 yrs. Legislation required to change court reporters' note retention requirements.	Minimal	May need legislation authorizing the court to dispose of court reporters' original notes.
I.C.1. Automation of Administrative Services - Electronic Resource Programs (ERP) Such As Accounting, Purchasing & HR		Low – Moderate	Minimum - Moderate	Minor	Now Backed by county supervisors.	Wide	Minor	Minimal	High
I.C.2. Automation of Administrative Services - “Just-In-Time” Purchasing & Pre-Approved Internet Purchasing		Low	Moderate	Moderate	Now	Wide May be impacted by geographic location.	Needles has no Office Depot to deliver supplies daily. Remote areas may be different.	Small local vendors may lose business.	High
I.C.3. Automation of Administrative Services - Electronic Exhibits Storage		Low	Minimum – Moderate	Minor	Later	Medium	May not be possible for all exhibits.	Minimal	Low - Moderate
1.C.4. Electronic Records on Appeal		Low	Major	Minor	Soon	Wide	We like paper. All exhibits can't be converted to electronic format.	Resistance from non-computer literate judges & attorneys. Cost savings.	Low
I.D. Provide Evidence of Proof of Compliance Electronically or By Fax or Internet		Low	Moderate	Minor - Moderate	Soon	Wide	Past practice. Retained attorneys only able to file motions in criminal cases.	Improvement to public convenience. Reduces required court appearances.	Moderate
I.E. Misdemeanor Arraignments from Counsel Electronically (via Fax or Internet)		Low	Moderate	Moderate	Soon	Wide	Past practice.	Improvement to public convenience. Reduces required court appearances.	Moderate
I.F. Consolidation of All of an Individual's Cases into One Court (Sweeping)		Low	Unknown	Unknown	Soon	Wide	Probably need state legislature to waive jurisdiction within different counties & do state-wide. Computer program required.	Convenience, disposition faster, avoids multiple court appearances. Expedites disposition of all related cases. May reduce time spent in custody.	High

II. FULLER UTILIZATION OF COURTROOMS

Mitigating Measure		Start-up Costs	Long-Term Cost Savings	Benefits in Mitigation of Space	Immediacy of Implementation	Universality of Application	Institutional/Practical Barriers to Implementation	Impact on Courts' Constituent Groups	Probability of Implementation
II.A. Courtroom Utilization	1. Increased Ratio of Judges to Courtrooms	Low Depends on pop-ulation growth.	Major	Major	Later	Narrow - Larger jurisdictions	More scheduling time. Defining substitute. Ratio. Past practice.	Minimal	Varies. May be viewed as loss of prestige, so will have to compensate with other perks.
	2. Specialty Courtrooms	Low	Moderate	Moderate	Later	Wide	Past practice. Reduce number of full-sized courtrooms by utilizing non-jury hearing rooms.	Minimal	Varies. Possibly the same as above.

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Mitigating Measure	Start-up Costs	Long-Term Cost Savings	Benefits in Mitigation of Space	Immediacy of Implementation	Universality of Application	Institutional/Practical Barriers to Implementation	Impact on Courts' Constituent Groups	Probability of Implementation
II.B. Night Courts Small Claims, Traffic, Selected Family, Pro Per, ADR, etc.	Low Space to hold court.	Moderate	Significant Although may need separate offices & storage.	Now	Wide Limited case types. Applicable to all counties.	Judges, clerks & staff resistance to hours extension. Attorney resistance.	Extended hours are more convenient for court users and court personnel desiring non-traditional working hours to assist in family raising, continued education, etc. Extended hours inconvenient for others.	Depends on how it is proposed.
II.C. Regionalization of Court Facilities	Low	Varies	High	Soon - legislative, jurisdictional issues.	Narrow – only where appropriate.	Perceived lack of local control.	Favorable for most – may vary. Lack of local control or service may be perceived.	Moderate

III. SHIFT ADMINISTRATIVE COURT FUNCTIONS/ACTIVITIES OFF-SITE

Mitigating Measure	Start-up Costs	Long-Term Cost Savings	Benefits in Mitigation of Space	Immediacy of Implementation	Universality of Application	Institutional/Practical Barriers to Implementation	Impact on Courts' Constituent Groups	Probability of Implementation
III.A. Business Activities – Fine and Fee Collection	Low - Moderate	Moderate	Moderate	Soon	Wide	Depends on organization at the time. Close agencies probably facilitate collection rate.	Keep close to courtroom for public convenience & maximizing moral suasion of court orders to pay.	High
III.B. Administrative Services - HR, Accounting, Storage, etc.	Moderate	Major	Major. Less expensive space, not less area. May help cash flow. May offer better work space adjacencies.	Narrow. Some rearrangement of plant & equipment is required.	Hard in small courts. May only be beneficial to large courts.	Removes staff identity with court. Potential operations complications caused by being off site.	Off-site staff specialists will have less opportunity to interact with their internal court customers. Off-site staff could potentially share staff support.	Moderate
III.C. Alternative Court Locations in the Private Sector for Low-Security Trials	Moderate - High	Major	Major	Soon - Now	Medium May be difficult for small jurisdictions.	Providing clerical support may be difficult. Not the same economies of scale. Is not consistent with the concept of efficient utilization of courtrooms. Efficiency of operation and collegiality among judges may be reduced.	Minimal Confusing to public. Not traditional image of justice. May be difficult for some attorneys. Judges lose content.	High
III.D. Modular Courtrooms (Components)	Moderate	Moderate – Major	Major Can be used in temporary spaces to create courtrooms for jumbo trials.	Varies	Wide	Past practice. Initial purchase and storage of modular components. (Can share on a state-wide or regional basis.)	Courts needed on an exceptional basis can be assembled & disassembled quickly, then components for bench, jury & witness boxes, clerk's sta., etc can be stored. Components can be pre-wired to supply power and data.	Moderate - High
III.E. Manufactured Courtrooms (Trailers/Modules)	Low - Moderate	N/A – This is a short-term solution to providing space	A quick response to space requirements.	Can be provided with short notice.	Wide	May devalue image of court. May in reality become a “permanent” facility, instead of temporary.	Can ensure continuity of service to the public.	Moderate
III.F. Mobile Courtrooms	Moderate	Moderate	Could alleviate need to build courthouse in rural or fast-growth areas.	Later Ramp up.	Narrow Mostly in rural counties	May devalue image of the court.	Give better customer access in remote locations. Saves commute. May benefit community outreach.	Moderate
III.G. Telecommuting for Research & Admin Personnel	Low	Moderate Use hoteling workstation concept.	Low	Later	Narrow	Rethink how people work. Loose collaboration. Past practice.	Minimal	Low - Moderate

IV. OUT-SOURCING OR CONTRACTING-OUT NON-CRITICAL COURT FUNCTIONS

Mitigating Measure	Start-up Costs	Long-Term Cost Savings	Benefits in Mitigation of Space	Immediacy of Implementation	Universality of Application	Institutional/Practical Barriers to Implementation	Impact on Courts' Constituent Groups	Probability of Implementation
IV.A. Out-Sourcing Administrative Services	Low	Moderate	Reduces required space	Soon Talk to employee bargaining units.	Wide	Bargaining unit contracts	None	Low - Moderate
IV.B. Contract Fee or Fine Collection to Outside Vendor	Low	Moderate	Moderate	Now	Wide	Relate this to the existing county contract.	Minimal	High
IV.C. Consolidation of Off-Site Records Management	Low	Moderate – Major	Moderate – High	Now Now is a good time for assuming new functions.	Wide May consolidate across jurisdictional lines.	Possible collective bargaining agreements or control issues. Perceived loss of control.	Presents economies of scale.	High

Section III: Selected Topics Synopses

Section III: SELECTED TOPICS SYNOPSES

The working group believes the following innovations could provide the most mitigation of space in existing or newly built courthouses.

I.A.1. Video Conferencing for Arraignments and Other Pre-Trial Proceedings

1) Description:

The use of video conferencing equipment for pre-trial proceedings would reduce or possibly eliminate the transportation of in-custody defendants to the courthouse and reduce the need for holding facilities. Improved technology, particularly electronic, interfacing with automated case management systems, would facilitate the use of this technology.

As an example, Alpine County has no permanent jail facilities at their courthouse in Markleeville, but uses the El Dorado County jail in South Lake Tahoe, 32 miles away. Video arraignment would eliminate the need to transport in-custody defendants a total of 64 miles to and from court to be arraigned. Any court needing to increase the number of holding facilities to accommodate increases in criminal proceedings would also benefit from this technology.

The use of video conferencing for civil pre-trial procedures could reduce appearances in the courthouse, just as telephonic conferencing does. Some other applications should be pursued, such as petitions in custodial procedures (mental health, habeas corpus, conservatorships and the Lanterman-Petris-Short Act).

2) Arguments For and Against:

For

- Reduces the need for holding facilities.
- Reduces the cost for security and transportation of in-custody defendants.
- May reduce the waiting time for arraignments by allowing weekend or evening arraignments.
- The cost of upgrading equipment is less than the cost of a new courtroom or holding facilities.

Against

- Impersonalizes the system.
- If there are multiple detention facilities, it may require defense attorneys to travel to multiple locations or at least invest in complementary video equipment.
- May require special video conferencing rooms at detention facilities.
- Without proper automated support, video conferencing may be more paper intensive for clerical support staff.
- High initial cost of equipment and maintenance is of concern.

- Legislation may be required to increase the types of proceedings in which video technology is allowed.

3) Recommendations/Options:

The courts should consider video technology for pre-trial proceedings. Most of the negatives can be mitigated with proper planning. Courts should be required to consider the use of such technology in courthouse planning. However, counties should be participants in the cost and the planning.

The state should consider working with funding agencies to determine if grant funding might be available for such projects.

I.B.1 Electronic Information Services – Lexis/Westlaw/Westmate

1) Description:

Traditionally, courts have maintained extensive libraries in order to assist the court staff in dealing with legal issues as expeditiously as possible. With the advent of electronic legal research and electronic access to other data, the necessity for extensive libraries in the courthouse has diminished. Numerous electronic information services providers are now becoming commonplace in most private law offices. In addition, many, if not all, of the courts have access to electronic information services at this time. Data outlets to access these systems are typically provided in attorneys' offices, the library(s), training rooms and at the bench.

With the court and court personnel relying more extensively on electronic information services, access to similar research tools should be provided to private attorneys and pro per litigants while at the courthouse. Current technology accesses these systems by means of modem through a telephone line, through digital or other dedicated fiber-optic systems. With these data connections available at counsel tables in the courtroom, hearing rooms or other attorney workspaces provided by the court, the attorneys will be able to quickly access their independently contracted information services. Many Internet sites have free access to cases and codes as well as limited search capabilities. In addition, for-profit sites provide total library services to the attorney for a fee.

2) Arguments For and Against:

For

- Significant space savings will occur with the reduction of shelf space for the extensive libraries that have been traditionally maintained in each courthouse.
- The pleading requirements of some jurisdictions which require copies of Federal or Supreme Court decisions to be attached to the pleadings when they are quoted in a brief can be deleted, thus reducing the extensive file space necessary to store such pleadings with cases attached.

- Delays in court proceedings will be reduced, since each attorney and the court staff would have a copy of the necessary case in front of them and the ability to read or cross-reference the case quickly.
- Recent court decisions will be more quickly available to court staff and litigants.

Against

- Certain members of the bench and Bar who are not conversant with computerized research will be at a disadvantage.
- Pro Per litigants will have to be provided access to the same type of information at either a cost to them or a cost to the court system.
- Space for Pro Per litigants' and other members of the public's access would be required in or near the courthouse.
- As with any technology, the lack of a back-up system requires that some hard-copy library be maintained in the event of a system failure.

3) Recommendations/Options:

Courts should substitute electronic information services in the courthouse for traditional law libraries, giving care to insure that pro per litigants, other members of the public and attorneys without portable computer capability will still have access to the same information.

A state-wide vendor contract should be encouraged to obtain the best cost possible and to ensure that the smaller counties can also be provided these services.

I.B.2 Electronic Information Services – Paperless Transactions

1) Description:

In its simplest form, electronic filing is the transmission of written documents (pleadings, motions, writs, traffic citations, etc.) to the court electronically, as opposed to physical submission on paper. The common practice in courts is to link the electronic filing system directly into the court's case management database. Electronic filing may transform a traditional courthouse into a "virtual courthouse" by the creation of electronic files which could replace physical visits to the courthouse for the purpose of filing papers, researching cases or making inquiries.

For over ten years the private sector has been using electronic communication of information as standard practice to exchange electronic documents containing critical corporate information and data representing millions of dollars. In September of 1999 the California Legislature passed Senate Bill 367, which added to the Civil Code of Procedure language authorizing trial courts to adopt local rules of court that permit electronic filing and service of documents. The bill also directs the Judicial Council to adopt uniform rules of court for electronic filing by January 1, 2003.

Most courts today, however, require attorneys to file paper documents for court proceedings. The courts, as well as other public entities, are beginning to adopt an electronic approach that can improve service, while reducing the cost of operations and the cost of the facility in which it conducts business. Since the passage of SB 367, several courts have begun to develop procedures to enable parties to file documents electronically. The Superior Court of Sacramento is providing an e-filing option for its civil small claims case filings. Eventually, they will move to a web site-based system to offer e-filing services via the Internet.

Litigation generates an enormous amount of paper that is required by law to be stored for various periods. Space to accommodate these documents in the courthouse during the processing of a case and beyond, either in or out of the courthouse, is costly. To illustrate the volume involved, in Fiscal Year 1999–2000 90,837 cases were filed in Monterey County. Multiplied by 40 document pages per case, this adds up to over 3.6 million documents occupying space in the courthouse for that particular year.

2) Arguments For and Against:

For

- Paperless transactions would not only reduce costs associated with the production and processing of files, but also would reduce the facilities required to accommodate their processing and storage.
- Standardizing the electronic filing system application on a state-wide system would provide a larger customer base, promote increased quality and reduce cost.
- A standardized electronic filing system would facilitate “sweeping” cases that parties, particularly criminal defendants, may have pending elsewhere in a jurisdiction, or beyond.
- Information and court filings could be submitted and obtained from multiple locations by the courts, counsel and the public.
- Electronic filing would reduce vehicular travel to and from the courthouse, as well as foot traffic inside the courthouse.
- Case files could be forwarded to the courts of appeal electronically, thereby reducing their required file space.
- Electronic documents can be filed faster and less expensively and will facilitate text searches and document retrieval.
- Files that must be electronically copied would be reduced.
- Lost files would be minimized.
- The ability to interact with other computer systems across case lines will reduce the space required to handle and process paper documents.
- May serve to reduce the number of FTSs per cases filed.

Against

- Establishing commonality between local courts’ rules, forms, and practices across jurisdictional lines may be difficult.
- Initial cost to purchase equipment, train staff, etc. may be significant.

- Must iron out required original court seals, signatures and file stamps.
- Maintaining security of court files and confidential information.
- Ability to find vendors to create products which will serve multiple jurisdictions.
- Public acceptance of filing and viewing documents electronically may be limited at first and require time to broaden.

3) Recommendations/Options:

As a means of reducing both current and future space required to process and store paper documents and files, we strongly recommend that an electronic filing system be developed and implemented.

I.B.3 Electronic Information Services – Interactive Voice Response System

1) Description:

Voice technologies include both speech recognition and voice response systems. Speech recognition technology replaces a computer keyboard with a microphone and software to change the spoken word into typed characters. A voice response system interacts with callers through a telephone system. Voice technologies systems also include speech verification (used for security) and speech synthesis (used to translate text to voice).

A voice response system may be able to reduce staff and space in a courthouse. Although some staff may not be necessary due to the voice response system, they may still be essential for other functions that the system will not be able to perform.

Voice response systems have been in operation for some time. Attorneys in some areas of Florida schedule hearings for a particular judge automatically by entering their attorney code, case number, and desired length of the hearing. Additionally, some courts in California have implemented a limited voice response system for traffic collection cases, although a voice response system is not yet mandatory in California. Other courts have implemented voice technology to qualify jurors, pay court fines and allow access to specific case information.

According to the National Center for State Courts, a voice response system that integrates multi-line telephone systems and the user's applications ranges from \$40,000- \$50,000.

2) Arguments For and Against:

For

- An interactive voice system can improve public access to the courts and is an effective method of providing answers to commonly asked questions 24 hours a day, 7 days a week. It may also improve the consistency and fairness of responses to the public.

- Enables more efficient access to the court by providing general court information, calendar status, etc.
- Allows the scheduling of hearings, accepting of pleas, receipt of payments to the court and may even increase the collection of fines.
- Increases staff productivity by requiring less time to reply to routine telephone requests.
- Reduces space required in the courthouse, as users may transact business from their homes or offices, instead of traveling to the courthouse.
- Improves access by the disabled to important court information.
- Can overcome language barriers due to the ability of the system to create scripts in any language.
- Improves a court's financial system tracking process.

Against

- While a voice response system offers many benefits to both staff and the public, the resulting reduction of space in the courthouse may be minimal.
- Integration of the system into computers, financial and telephone network may be costly and challenging.
- Initial installation is expensive.
- Public may dislike talking to a machine rather than an actual person.
- May require additional telephone lines to accommodate increased capacity.

3) Recommendations/Options:

Courts are encouraged to consider implementing a voice response system since it is beneficial to the court in many ways, even though the savings impact on space may be minimal in most facilities.

I.B.4 Electronic Information Services – Records Storage and Court Reporters' Notes

1) Description:

An electronic file storage system can mitigate space by eliminating the requirement for paper files storage both on- and off-site and by converting paper-based files into images that can be electronically stored and retrieved. Such a system can be used to store historical or current files.

The equipment required to implement an electronic imaging and storage system is minimal. Special software is required. Electronic files can be stored using several different network technologies, including "jukeboxes," network attached storage, CD-ROMs and towers, redundant array of independent disks (RAID) and storage area network (SAN) systems. Systems vary in cost, storage capacity, organization requirement and scalability.

As with electronic filings, all case-related documents, including pleadings, writs and even court reporters' notes, could be stored electronically. Electronic storage systems are also used for archival purposes. The system is usually linked directly to the case management databases. Millions of images can be stored electronically, significantly reducing required storage space.

2) Arguments for and Against:

For

- Electronic records storage saves space.
- By regionalizing the system, records can be accessed by more than one court.
- Can be efficiently utilized by small or large courthouses.
- Improves efficiency by reducing document processing time, locating files more quickly and minimizing the quantity of misplaced or lost files.
- Facilitates web access to files for both staff and the public.

Against

- May need to change the Rules of Court to recognize electronic files as originals.
- Commitment to a system that fully integrates electronic files into the daily work processes and eliminates all paper files may be difficult.
- System may be costly.
- CD-ROM technology is not currently "archival-certified." If CD-ROMs are used for archiving records, a regular replacement process must be implemented to maintain archival standards.
- Legislation may be required to store court reporters' notes electronically.
- The cost of the hardware and software to initiate the system may be prohibitive in some courts.

3) Recommendations/Options:

An electronic storage system is recommended to greatly reduce storage space and associated costs. Possible reduction in staff may also result from its use.

I.C.2 Automation of Administrative Services – Purchasing

1) Description:

Automated purchasing is the acquisition and management of goods and services that relies on an electronic, rather than paper-based process. Electronic procurement, or e-procurement, offers automation of the traditional purchasing process and an opportunity for space mitigation in the reduction of storage space for supplies. As discussed here, the focus is on the purchase of goods, rather than services. E-procurement offers the opportunity to streamline the purchasing process and this in turn allows users to modify their buying behavior. Traditional paper-based procurement relies on managing an inventory of supplies using a storehouse. This lengthy traditional process

creates a user incentive to fill storehouses, supply shelves and cabinets, just to make certain that an organization will have items when it needs them.

Courts may currently rely on county purchasing services to store the bulk of goods required for court operations. However, if court organizations assume purchasing duties, then e-procurement offers an alternative to maintaining supplies in a storehouse arrangement. Through an automated purchasing arrangement, supplies are ordered instead by users on a decentralized basis and delivered by suppliers when needed. Examples of courts, counties and states developing e-procurement are:

- San Bernardino Superior Court: This court has set up an electronic catalog purchasing arrangement with Office Depot to facilitate just-in-time purchasing of office supplies.
- County of Santa Clara: In June 2000, the county approved \$132,000 to perform a county wide requirements and system design analysis as a part of developing an automated e-procurement system.
- State of Nevada: The state is building a shopping mall on line to allow state and local governments access to a variety of commodities and services.
- International City/County Management Association (ICMA) and GovStoreUSA: In February 2000, ICMA and GovStoreUSA launched GovStoreUSA.com for local and state governments. This is a technology product site that offers volume purchasing discounts on computer and communications products.

2) Arguments For and Against:

For

- Sets up the supplier as the purchaser's storehouse.
- Potentially reduces the cost of real estate investment for central storage, or reduces an organization's on-site storage space requirements.
- Reduces the occurrence of stockpiling of materials or "just in case" purchasing mentality.
- Represents an opportunity for tracking organizational purchasing trends in order to maximize vendor relationships.
- Opportunity for improved audit trails, as well as the elimination or reduction of petty cash usage.

Against

- Initial cost to introduce e-procurement.
- Some small local suppliers may be unable to do business through e-procurement and could potentially lose business.
- Staff training requirements.
- Secure maintenance of an electronic purchasing model.

3) Recommendations/Options:

The space mitigation opportunities presented by e-procurement, as well as economies of scale, and potential customer efficiencies all indicate that

automation of the purchasing process should be explored and implemented. The obstacles of cost, changing vendor relationships, training and security concerns should be examined fully in the context of individual court environments.

Due to the emerging nature of this service concept, court jurisdictions may find it beneficial to explore “big picture” opportunities by joining with other courts in order to create a vision of what e-procurement could be like. Developing an approach that relies on input from various courts could also offer opportunities in sharing the long-term operating costs of maintaining and upgrading equipment and remaining committed to staff training.

I.E. Misdemeanor Arraignments from Counsel Electronically

1) Description:

In lieu of court appearances at arraignments, counsel may make a general appearance on behalf of the defendant in writing, then submit the document to the court by fax or other electronic transmission. San Diego Superior Court currently handles misdemeanor and infraction arraignments by fax. The court then faxes assigned scheduled court date notices back to counsel. Neither counsel nor clients need appear in court for these proceedings.

At least three states (Orange County, FL; Delaware County, OH and Wise County, VA) have systems in place for handling arraignments and courtroom proceedings via the Internet. In each of these states, the Internet has involved the use of a “web cam”, i.e. web camera, to provide additional positive identification of counsel and client.

Note: The information above is anecdotal. Trial Court Programs has not conducted a survey to determine the number of courts that are handling misdemeanor arraignments via fax or electronic transmission.

Eliminating attorney and client appearances in court for arraignment decreases, the need for courtroom space. Future courtrooms designed to handle misdemeanor and infraction arraignments can be reduced in size during normal renovations. New courthouses can be designed with smaller misdemeanor and infraction courtrooms. Courts could begin implementing fax and electronically transmitted arraignments relatively quickly. Fax equipment or personal computers (and possibly web cameras) would be needed both for the court and the attorney offices.

2) Arguments For and Against:

For

- Reduces amount of time a judge needs to spend in the courtroom.
- Decreases the number of attorney and client appearances in court.
- Minimizes the amount of paperwork generated for warrants if a defendant

doesn't need to appear for their arraignment.

- Streamlines business process for the courts.
- Reduces cost of transporting defendants to court.
- Reduces pre-arraignment detention time and expense.
- Eliminates security problems.
- Eliminates in-custody defendants' discomfort in being shackled and spending long periods in court holding cells.
- May reduce the need to expand subordinate judicial positions.

Against:

- Both parties and court must have access to a fax machine and/or computer with electronic transmission capabilities.
- Arraignment information may not be retrieved from the fax machine on a regular basis by court staff.
- The amount of required communication increases if attorneys are not able to attend.
- Rescheduling arraignments may be difficult, since the scheduling takes place via the fax machine.
- Arraignment via electronic transmission usually requires advance notice to, and preparation of, computer system by the court clerk.
- Equipment must be purchased for viewing and taping of arraignments.
- Funding to train employees must be provided.
- Web camera images displayed on a PC are currently of marginal quality.
- Victims who wish to attend arraignments in hope of seeing the defendants may be disappointed when defendants "appear by fax".

3) Recommendations/Options:

Develop the necessary procedures and procure the equipment required to implement arraignments by fax and electronic transmission for infractions and misdemeanor offenses.

I.F. Consolidation of an Individual's Various Cases into One Court

1) Description:

The consolidation of an individual's pending cases into one court, known as "sweeping", provides case management benefits for courts, avoids duplication of appearances, and can result in earlier dispositions. Theoretically, all of the types of cases one person has pending could be heard by one unified court judicial officer at the same time. Practically, though, the desirable specialization of certain courts, the needs of other parties and agencies and the court caseload may preclude the total consolidation of all possible cases that any one person or party may have.

Some of the benefits flowing from such a process may result in space mitigation of ancillary spaces, such as total jail bed days for in-custody defendants. It would clearly increase case management efficiency, which can ultimately translate into fiscal savings.

Technology issues may be nearly insurmountable in larger courts. Network connections may be affected by geography, differing systems may not “talk” to each other, and user learning curves may be time-consuming to overcome.

Consolidating a defendant’s various criminal and traffic cases into the court handling the most serious charge is probably the most universal recommendation that could be made to courts of all sizes. Other available sweeping options would need a court-by-court analysis. Smaller courts have judicial officers and staff who of necessity are trained to handle a variety of case types. Larger courts with whole calendars, court facilities and agency support teams devoted to specialized cases will have fewer options for effective consolidation.

Some examples of cases that could be consolidated are:

- All criminal and traffic cases pending against one person, including felonies, misdemeanors, violation of probation and infractions.
- Cases involving dissolution, domestic violence restraining orders and DA family support involving the same parties.
- All civil cases of a common type with a common party, without regard to jurisdictional dollar limits, such as county agency collections, cases and unlawful detainers.

2) Arguments For and Against:

For

- Handling an individual’s cases all at one time saves multiple court appearances. This translates into savings in calendar preparation and attorney and staff time. It is more convenient and maximizes the efficient use of judicial resources and court facilities.
- The earlier disposition of cases for individuals in custody directly reduces jail bed days and transportation requirements.
- By reducing the need to appear at various court facilities, foot traffic in multiple courthouses is reduced.

Against

- Different case management systems for cases sought to be consolidated will present technological barriers.
- Most courts, to one degree or another, but particularly larger courts, will have developed one or more agency or case-specific courts, such as Traffic, Violation of Probation, Small Claims, Guardianship, City Attorney cases and others. Past practices are always difficult to overcome.
- Judicial officers and clerks must be specialists in each area in order to process different types of cases efficiently and consistently.
- Inconsistent results may occur between cases of lowest consequence.
- Consolidation of a custodial individual’s infractions and criminal cases will inevitably affect the custodial court, which must be the default appearance court.

3) Recommendations/Options

Modified sweeping should be explored and implemented where beneficial. In light of the cost to counties of building detention facilities and transporting in-custody defendants, the counties should be fully consulted in this regard.

II.A. Courtroom Utilization

II.A.1. Increased Ratio of Judges to Courtrooms

1) Description:

The increasing population of the state will, inevitably, create needs for more judges and courtrooms. Courtrooms are expensive to build and maintain; when they sit idle, they consume resources that could be better used elsewhere. Historically, courthouses have been built comprised of one courtroom for every sitting judge. Experience has shown, however, that courtrooms are not fully occupied or in use 100% of the time, due to a variety of reasons, including:

- Absence from the courthouse by the judge due to vacations and sick leave; professional meetings; committee meetings; conferences and educational courses; covering calendar court bench officers for other judges in outlying courts; attendance at intergovernmental task forces or other civic responsibilities.
- Settlements of trials, either initially after assignment, or at some point in the trial, without another case being ready to start immediately.
- Affidavits filed on the judge assigned to the case, where no case is ready to follow.
- Scheduling difficulties of matching the number of projected days of a trial with the available days of the judge(s) available to hear a case.

Most courts backfill absent judges with visiting or retired judges sitting on assignment. However, many courtrooms still sit idle for at least a portion of the time. While no specific information is available on the exact time a courtroom is not in use, anecdotal information estimates range between 20% and 40%. These estimates vary depending on the types of cases heard by the particular judge. Judges sitting on criminal cases generally utilize their courtrooms more fully than judges hearing civil cases.

In Butte County, judges do not have specifically-assigned courtrooms. Rather, the master calendar clerk assigns a courtroom along with assigning a case, choosing the specific courtroom based on the needs of the case assigned, including the need or not for holding cells, large audience or waiting parties needs, etc. Generally, the Oroville court facility has fewer courtrooms than bench officers, but they report little or no discontinuity in court scheduling due to this fact.

In Canada and in several East Coast states, including New Jersey and Delaware, the courts have a higher ratio of judges to courtrooms. Results are

reported to be successful. It should be noted, however, that the absence of the right of preemptory challenges in several of those jurisdictions allows more certain case, and therefore courtroom, assignments.

Given the above, courtroom utilization may be enhanced by building court facilities which increase the ratio of the number of judges' chambers to courtrooms. The exact ratio chosen will vary, depending on the court's historic patterns, but a ratio of ten judges to eight courtrooms, or even 20 judges to 15 courtrooms would not be inconsistent with the above estimates of courtroom utilization. While no courtroom will ever be utilized 100% of the time, still, the costs saved in not building, equipping and maintaining even 10% to 20% courtrooms could be significant, allowing more funds to be spent for better chambers, conference rooms or more support for judges in the way of research tools, staff or compensation.

Careful planning would obviously be required in order to avoid creating either a courtroom management morass or decreasing a judge's ability to access needed files, staff or research materials located in chambers.

2) Arguments For and Against:

For

- Increasing utilization of courtrooms could reduce the need to expand or build new court facilities.
- The private sector would not likely build 20% or 30% over-capacity into expensive plant and equipment, nor should the public sector.
- Space and funds not committed to under-used courtrooms could be used to enhance productivity and benefits for judges, staff and court users.

Against

- By not having a specifically-assigned courtroom, a judge's perceived esteem or prestige could be reduced.
- Some effort would be required to schedule use of the courtrooms.
- The farther away from the judge's chambers to the courtroom, the more difficult it would be to hold conferences in chambers or access needed files or other resources.

3) Recommendations/Options:

- Increase the ratio of judges' chambers to courtrooms, being careful to cluster chambers near the new courtrooms to facilitate easy access and scheduling appropriate to the types of cases assigned.
- Conduct a survey to measure current utilization rates of various types of courtrooms around the state.
- Review materials of the American Bar Association and the American Institute of Architects and other states' experience in variations on the one-judge:one-courtroom practice.

II.A.2. Specialty Courtrooms

1) Description:

Consistent with the above, certain judicial activities may be conducted in other than a multipurpose courtroom that is fully jury capable with a spectator area. These activities include court trials, family or dependency matters, law and motion and settlement conferences. Building specialty courtrooms and conference rooms for such activities can cost less than, and relieve pressure on, the fully jury-capable courtrooms.

2) Arguments For and Against:

For

- Cost savings.

Against

- Less flexibility in assigning a trial or hearing to any courtroom.

3) Recommendations/Options:

Canvass the master calendar clerks in court jurisdictions to ascertain likely savings versus decreased flexibility in case assignment.

II.B. Night Courts – Small Claims, Traffic, Selected Family, Pro Per, ADR, etc.

1) Description:

Traditionally, courtrooms and court facilities are primarily used during standard business hours, between 8:00am and 5:00pm. Using courtrooms in the evening as well as during the day can make more cost-effective use of the space. Holding court in the evening may also make courts more easily accessible to court users. Space mitigation will not be achieved if courtrooms are not shared. That is, a courtroom used in the evening must also be used during the day, not solely dedicated to evening use.

2) Arguments For and Against:

For

- Fuller utilization of expensive capital assets.
- Mitigates the need for new courtrooms by extending the use of existing courtrooms.
- Holding court hearings during the evening and/or on weekends may make those hearings more accessible to the public.
- Allows staff to work alternative work schedules.

Against

- Resistance from staff and judicial officers.
- Resistance from attorneys who may find an extended working schedule difficult.
- Increased security may be required for the public accessing the courthouse and the parking areas in the dark.
- Complicates scheduling and maintenance.

3) Recommendations/Options:

Courts should consider holding proceedings in the evenings and on weekends as part of their facilities planning and to more fully serve the court user.

II.C. Regionalization of Court Facilities

1) Description:

Some counties within the state may benefit from sharing court facilities with adjacent counties. Although this is currently not a practice anywhere in the state, significant cost and space could potentially be saved, while at the same time maintaining or increasing the level of service to those who use the court facilities. Some examples of counties that may benefit from sharing of facilities are:

- **Yuba City (Sutter County) and Marysville (Yuba County)**
Court facilities in each of these cities are across the river approximately one mile from each other. Both are medium-sized counties with similar population groups and economies. Their court facilities do not meet current standards, including ADA compliance. Sutter and Yuba counties currently share a juvenile hall facility.
- **North Lake Tahoe Area (Placer and Nevada Counties)**
This sparsely populated region comes under the jurisdiction of two counties. Judges in both Placer and Nevada Counties support the implementation of a regional facility.
- **Markleeville (Alpine County) and San Andreas (Calaveras County)**
Due to inaccessible roads, the population of the southwest portion of Alpine County may consider using the courts in San Andreas during the winter.
- **Markleeville (Alpine County) and South Lake Tahoe (El Dorado County)**
Alpine County currently shares use of El Dorado County's family law facilitator and commissioner in South Lake Tahoe, which is a 32-mile drive from Markleeville.

Besides court facilities, adjoining counties should consider consolidating administrative and personnel functions. Smaller counties could gain both functionalities and efficiencies by consolidating such offices.

2) Arguments For and Against:

For

- Separate facilities in close proximity to each other cost more to build, more to maintain and require more staff to operate. Combined facilities may afford the opportunities for new courthouses with adequate circulation and access, current technology and state-of-the-art security systems.
- Small counties may combine and share support facilities. A larger economy of scale would allow them to provide a wider range of services, while remaining cost effective.

- Travel distance to the courts should not increase significantly since the courts that would share facilities are currently in close proximity.
- Outlying areas in geographically large or inaccessible counties would still be served by smaller satellite facilities providing convenient access to the public.
- Combining resources may result in cost savings capable of funding newer and safer courthouses for the public, staff and in-custody defendants.
- Quality of service to the public could be improved by adding programs funded by costs saved by sharing facilities.
- Future court facilities could be built on or near county lines to facilitate sharing of resources.

Against

- A new procedure may incur resistance from local jurisdictions and the public who wish to maintain a separate identity and presence. “The dead hand” of past practice.
- Legal requirements or legislative changes may be required to cross county lines.
- Residents in one jurisdiction may resist having their case adjudicated by a judge who was not elected in their jurisdiction or county.

3) Recommendations/Options:

Sharing of court facilities while maintaining or increasing the level of service provided to the public should be explored and implemented where beneficial and should be scheduled to transition smoothly, creating a minimum budget impact and disruption of service. Location of shared facilities in relationship to the impact on county judicial support agencies should also be considered.

III.B. Administrative Services – HR, Accounting, Storage, etc.

1) Description:

This space mitigation strategy relies on using lower cost, lower profile facility space outside the courthouse. It is a strategy targeted at locating office specialists who do not have a high level of public contact, but instead deliver services to internal court customers. Key types of functions suitable for location in facility space outside the courthouse include:

- Human Resources – responsible for the day-to-day operations of the court’s personnel system, including its personnel records management, storage and training tasks.
- Fiscal Resources – responsible for the financial operations of a court system, including planning and developing a budget, executing payroll duties and monitoring the appropriations and expenditures of a court through an accounting system.
- Data System Management – responsible for supporting a court’s automation functions and technical needs.

Small and mid-size counties should consider consolidation of selective administrative services on a regional basis including HR, accounting, purchasing, risk management and legal counsel.

2) Arguments For and Against:

For

- Locating of administrative staff together off-site provides the potential to share staff resources.
- Maximizes space usage within a courthouse toward direct public service uses.
- Integration into one physical area or a cluster of locations reinforces staff supervision.

Against

- Potential operational complication in coordinating service delivery when services are off-site.
- Administrative staff specialist will have less opportunity to interact with their internal court customers by being off-site.
- Creates the potential for spending a significant amount of time in transit to work with internal court customers.
- Removes administrative staff specialist's familiar identity with courthouse location.

3) Recommendations/Options:

Competing facility space needs and the recognition of fiscal constraints creates an opportunity to consider shifting internal administrative support services to an off-site location. Courts should consider locating internal support functions off-site in order to release space within a courthouse.

A space mitigation plan that includes this type of strategy should identify the recipient of the services proposed for off-site location, as well as the environment required for effective delivery of those services. Local assessment of such a relocation on the court's business operations is key to a successful off-site planning effort.

IV.A. Out-Sourcing Administrative Services

1) Description:

While counties have historically provided to their courts administrative services such as personnel, payroll, accounting, purchasing, etc., this may change under state court funding. If the court were to terminate and contract out such services with a provider not occupying premium floor space located within the courthouse, space would be made available for those functions that must take place in the courthouse.

2) Arguments For and Against:

For

- Space within the courthouse, especially the secure perimeter, is at a premium. By removing some functions, new space may not have to be constructed.
- Though it is not space related, someone else may be able to perform the out-sourced function at less expense.
- Any function removed from the courthouse reduces foot traffic through security, parking in the parking lot and traffic on city streets, creating a side benefit.

Against

- While the close proximity between some functions is not a necessity, it does have certain benefits, such as direct control, that would be lost if some functions are out-sourced.
- The out-sourcing or "privatizing" of normal public employee functions can lead to labor disputes.
- Out-sourcing may be more expensive and has to be weighed against the need for more space.

3) Recommendations/Options:

Courts should consider out-sourcing of services as one of several options of providing this critical support activity. If moved to a location outside of the courthouse, this would allow essential court functions to move into the courthouse or room for expansion. Any such action would need to be coordinated with court employees unions, where applicable.

IV.C. Consolidation of Off-Site Records Management

1) Description:

Despite advancing technology, today's court records remain, for the most part, in paper format. Once the case is adjudicated, these records may be stored within the court facility or off-site in leased "warehouse-type" facilities.

A significant savings of cost and space may be realized by the storage of adjudicated records off-site in facilities that have a lower per square foot cost than traditional court facilities. Further, these off-site facilities could be consolidated to serve many courts within a region.

There are various scenarios under which a regional facility may be managed. Management may be provided by a private vendor, by one of the courts within the region, with a charge-back to the other participating courts or the several participating courts jointly. Statewide management through a state agency such as the Administrative Office of the Courts should also be given consideration. Staff in these facilities could be responsible for record retrieval and delivery, implementation of records management programs and the conversion of paper records to electronic format. The successful

implementation of such a program, together with an increase in statewide electronic filing and imaging projects, could result in the considerable deceleration and ultimately, elimination of the need for significant storage space for paper case files.

**2A) Arguments For and Against
Off-Site Records Storage:**

For

- Using off-site warehouse space for records storage is less expensive than space within the courthouse .
- It may be easier to design the most efficient storage space outside the courthouse.
- For courts with multiple locations, a central warehouse would consolidate the records storage function, thereby reducing space needs and allowing more efficient records management.

Against

- Records will be less accessible to the court until electronic storage is implemented or as long as paper files are the norm.
- Staff will be required for the records center as well as to transport files between the court and records storage.
- Off-site storage may be less secure than courthouse storage.

**2B) Arguments For and Against
Consolidated Regional Records Storage:**

For

- Courts in close physical proximity with a small volume of records storage space needs may be able to secure less expensive space by consolidating records storage.
- Economies of scale could make it cost-efficient to design space specifically for efficient records management.

Against

- Records will be less accessible to the court until electronic storage is implemented or as long as paper files are the norm. Records may be further away from the court than if the court did not consolidate records storage.
- Staff will be required for the records center as well as to transport files between the court and records storage.
- Off-site storage may be less secure than courthouse storage.
- Competing needs among the courts sharing the facility may complicate regional storage.
- Different case management systems and case numbering systems would make automating file retrieval more difficult.

3) Recommendations/Options:

Each court should consider off-site records storage as part of facilities planning. Requests for off-site storage facilities should also be evaluated by

the state to identify common needs.

The long-term solution to records storage should be the use of electronic medium for case files. If case files were available electronically, off-site and consolidated records storage facilities would be more practical.

Appendix A: Reference

Space Mitigation Working Group Report State of California Task Force on Court Facilities

Samples:

Form – Superior Court of California, County of San Diego Directive
Form - SDSC CR-140 Counter/Fax/Telephonic Arraignment Criteria
Form – SDSC CR-141 Counter/Fax/Telephonic Arraignment Form
Form – SDSC CR-142 Fax Arraignment Rejection Form

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Space Mitigation Working Group Report
State of California Task Force on Court Facilities



**Superior Court of California
County of San Diego**

DIRECTIVE

SECTION: Criminal
SUBJECT: Misdemeanor/Infraction – Counter/Fax/
Telephonic Arraignment

Number: 6.C.1
Effective Date: 2/7/00

The clerk is directed to process requests for COUNTER, FAX, AND TELEPHONIC ARRAIGNMENTS, received from attorneys, which meet the following criteria:

1. Misdemeanor and infraction cases.
2. Out-of-custody defendants.
3. Time is waived.
4. Meets the guidelines set forth in the COUNTER, FAX, TELEPHONIC ARRAIGNMENT Criteria (See form SDSC CR-140).

(See below for forms)

SAMPLE

1/24/00
Date

Approved by the Executive Committee

Dated: 1/24/00

A handwritten signature in black ink, appearing to read "Wayne L. Peterson", is written over a horizontal line.

WAYNE L. PETERSON, Presiding Judge

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Space Mitigation Working Group Report

State of California Task Force on Court Facilities

SAN DIEGO SUPERIOR COURT MISDEMEANOR AND INFRACTION COUNTER/FAX/TELEPHONIC ARRAIGNMENT CRITERIA

1. Attorneys eligible to use these arraignment procedures must be members in good standing of the State Bar of California, whose privilege of using these arraignment procedures has not been revoked by order of the Presiding Judge for failure to comply with these criteria. The attorney shall provide his or her California State Bar number on the arraignment form in the space provided. For FAX Arraignment, the attorney MUST have an available FAX number for return information from the court.
2. Time must be waived to arraign at the counter, by FAX, or by telephone.
3. Defendants in custody may not be arraigned at the counter, by FAX, or by telephone.
4. The court clerk shall recall any outstanding warrant on this case.
5. Any bail/bond posted shall remain in full force and effect from the date of the arraignment to the next hearing, unless previously forfeited, in which case an appearance in open court is required.
6. Discovery must have been completed, key witnesses interviewed, the case evaluated and negotiated with the DA or City Attorney in the week preceding the settlement conference.

APPLICABLE TO FAX ARRAIGNMENTS ONLY

7. To arraign a defendant by FAX, an attorney shall use the Arraignment form, SDSC CR-141, available through the Court. The attorney shall complete all information, sign the form and transmit the form to the appropriate division. Forms received after 4:30 p.m. on any court day, or on any non-court day, will be deemed to have been received and the arraignment to have occurred at 8:30 a.m. on the next court day.
8. The attorney shall complete the information on the arraignment form IN FULL, as requested. If any information is omitted and the clerk is unable to complete the arraignment, the form will be rejected and returned by FAX to the attorney.
9. The attorney shall, by signing and submitting the FAX Arraignment form, be deemed to have made the representations, acknowledgments and agreements set forth in these criteria. By utilizing the FAX Arraignment procedure, the attorney represents:
 - that the attorney is the attorney of record and understands that the FAX arraignment constitutes a general appearance.
 - that his or her client has specifically authorized the attorney to act as the client's agent for the purpose of waiving time and receiving the hearing/pre-trial/trial hearing date
 - the client and attorney have agreed that notice of the hearing/pre-trial hearing/trial date by FAX shall be deemed full, complete and valid notice to the client.
 - the attorney agrees that use of the FAX Arraignment constitutes a representation to the court that the attorney has specifically advised the client that failure of the client to appear timely at the hearing/pre-trial/trial date will constitute the crime of failure to appear.
 - the attorney has received permission from the prosecutor to use the FAX arraignment procedure if the case involved allegations which are handled by a special unit of the prosecutor's office.
10. ALL FAX ARRAIGNMENT FORMS MUST BE TRANSMITTED TO THE DIVISION WHERE THE DEFENDANT IS SCHEDULED TO APPEAR

Central Division – San Diego	619-531-4095 FAX 619-531-3035	North County Division – Vista	760-940-4780 FAX 760-940-4621
Central Division – Kearny Mesa	858-694-3592 FAX 858-694-2088	North County Division – San Marcos	760-940-2802 FAX 760-940-2806
East County Division – El Criminal	619-441-4371 FAX 619-441-4481	South County Division	619-691-4864 FAX 619-691-4754
Minor Offense	619-441-4856 FAX 619-441-4465		
East County Division – Ramona	760-738-2404 FAX 760-738-2435		

SDSC CR-141 (REV. 1-1-00)

SAMPLE

Space Mitigation Working Group Report
State of California Task Force on Court Facilities

SAN DIEGO SUPERIOR COURT
MISDEMEANOR AND INFRACTION

☐ COUNTER ARRAIGNMENT ☐ FAX ARRAIGNMENT ☐ TELEPHONIC ARRAIGNMENT

☐ Central Division - 220 W. Broadway, San Diego, CA 92101-3877 ☐ North County Division - 325 S. Melrose Dr., Ste 120, Vista, CA 92083
☐ Central Division - 8950 Clairemont Mesa Blvd., San Diego, CA 92123-1187 ☐ North County Division - 338 Via Vera Cruz, Ste. 101, San Marcos, CA 92069
☐ East County Division - 250 E. Main, El Cajon, CA 92020 ☐ South County Division - 500 Third, Chula Vista, CA 91910
☐ East County Division - 1428 Montecito Road, Ramona, CA 92065

PEOPLE OF THE STATE OF
CALIFORNIA VS

DATE: _____ CASE NUMBER: _____

IF CASE NUMBER IS UNKNOWN:
NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____
Street City State Zip Code

VIOLATION(S): _____

DATE OF OFFENSE: _____ DATE SET FOR APPEARANCE: _____

ATTORNEY STATEMENT: I represent that the defendant is NOT IN CUSTODY and that I am authorized by the defendant to, and do hereby enter my general appearance in this case on behalf of the defendant, enter a NOT GUILTY plea, WAIVE reading of complaint, WAIVE time for trial and deny any probation violations, priors or allegations.

☐ This case is not subject to the provisions of local rule of court 12.2.D, Division III.

☐ Request an interpreter for court proceedings. Language: _____

I have read the Court Criteria for Fax Arraignments and I make the representations and agreements required thereby. I further agree to appear on the date and time assigned by the Court as indicated below.

☐ DEMAND Jury Trial ☐ WAIVE Jury Trial

Attorney's Name: (Please print) _____ State Bar Number: _____

Address: _____
Street City State Zip Code

Telephone Number: _____ FAX Number: _____

Dates attorney is unavailable to appear (within 60 days) _____

Attorney's Signature: _____ Date: _____

FOR COURT USE ONLY

APPEARANCE set for _____ on _____ in Dept. _____ at _____ am/pm
Type of Hearing Date Courtroom Time

APPEARANCE set for _____ on _____ in Dept. _____ at _____ am/pm
Type of Hearing Date Courtroom Time

LOCATION OF APPEARANCE:

☐ Central Division - 220 W. Broadway, San Diego, CA 92101-3877 ☐ North County Division - 325 S. Melrose Dr., Ste 120, Vista, CA 92083
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RELEASE STATUS: ☐ Own Recognizance ☐ Bail Posted, continued ☐ Bond Posted, continued

WARRANT STATUS: ☐ RECALLED _____ / _____
DATE Clerk's Initials

☐ CASE IS NOT FILED WITH THE COURT AT THIS TIME. THE DEFENDANT MUST APPEAR IN COURT ON THE DATE AND TIME NOTED ON CITATION OR RELEASE DOCUMENT.

☐ FUTURE DATE VACATED: _____ ☐ DATE ATTORNEY NOTIFIED: _____

☐ YOUR FORM HAS BEEN REJECTED AND RETURNED BECAUSE: (see attached rejection form)

By Order of San Diego Superior Court Presiding Judge _____
Clerk

SAN DIEGO SUPERIOR COURT
RETURN OF FAX ARRAIGNMENT REQUEST

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Central – San Diego | <input type="checkbox"/> Central – Kearny Mesa | <input type="checkbox"/> East County – El Cajon | <input type="checkbox"/> East County – Ramona |
| <input type="checkbox"/> North County – Vista | <input type="checkbox"/> North County – San Marcos | <input type="checkbox"/> South County | |

Your request for

FAX ARRAIGNMENT

SAMPLE

is rejected & returned for the following reason

- ☐ This case will be processed when the proper form has been fully completed and returned.
- ☐ This case cannot be arraigned by FAX as the bail bond is in forfeiture status.
- ☐ The form is attached. Please make copies for future use.